

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARGARET A. HUGHES,

Plaintiff(s),

v.

CAROLYN W. COLVIN,

Defendant(s).

2:12-CV-1787 JCM (CWH)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Hoffman. (Doc. # 17). No objections have been filed even though the deadline has passed.

Plaintiff has filed a motion to remand this action to the Social Security Administration. (Doc. # 14). In response, defendant requested that plaintiff's motion be denied and that the court grant summary judgment in her favor. (Doc. # 15). The magistrate judge recommended that plaintiff's motion be denied, and that the court grant defendant's cross-motion for summary judgment. (Doc. # 17).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then this court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to which no objection was filed).

Nevertheless, this court finds it appropriate to engage in a de novo review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge’s findings in full.

Accordingly,

IT IS HEREBY, ORDERED, AND DECREED that the report and recommendation of Magistrate Judge Hoffman (doc. # 17) are ADOPTED in their entirety.

IT IS FURTHER ORDERED that plaintiff’s motion to remand this action to the Social Security Administration (doc. # 14) is DENIED.

IT IS FURTHER ORDERED that defendant’s cross-motion for summary judgment (doc. # 15) is GRANTED. The clerk shall enter judgment accordingly and close the case.

DATED April 1, 2014.


UNITED STATES DISTRICT JUDGE